


12-08-08

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EM273861196US, on the date shown below in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: December 5, 2008

Signature: 

(Lise Ann Ruggeri)


Docket No.: CDPC-P01-010
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Fitzgerald et al.

Application No.: 10/726,000

Filed: December 1, 2003

For: IN-BAND CONTROL MECHANISM FOR
SWITCHING ARCHITECTURE



Confirmation No.: 5224

Art Unit: 2616

Examiner: C. H. A. Lee

PETITION UNDER 37 C.F.R. 1.48(a)

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This petition is submitted in accordance with 37 C.F.R. 1.48(a) to convert the above-identified application from an application of Jeffrey J. Fitzgerald, Hicham Saab, Daniel W. English and Rajesh Mishra to an application of Paul Miller, Jr., Daniel W. English, John Doucette and Hicham Saab. These four (4) individuals are the actual inventors of the invention currently being claimed.

Therefore, Applicants respectfully request that Paul Miller, Jr. and John Doucette be added as inventors and Jeffrey J. Fitzgerald and Rajesh Mishra be deleted as inventors of the above-identified application.

Accompanying this petition are

- (a) A statement by the added inventor Paul Miller, Jr. establishing that the error occurred without deceptive intent as required under 37 C.F.R. 1.48 (a)(2),
- (b) A statement by the added inventor John Doucette establishing that the error occurred without deceptive intent as required under 37 C.F.R. 1.48 (a)(2),

12/03/2008 LINGUYEN1 00000009 181945 18726000
61 FC:1464 130.00 DA


- (c) A statement by the deleted inventor Jeffrey J. Fitzgerald establishing that the error occurred without deceptive intent as required under 37 C.F.R. 1.48 (a)(2),
- (d) A Petition under 37 CFR 1.183 requesting waiver of a statement under 37 C.F.R. 1.48 (a)(2) of lack of deceptive intent by deleted inventor Rajesh Mishra with Exhibits A through K,
- (e) An executed Declaration for the patent application 10/726,000 with the signatures of inventors Paul Miller, Jr., Daniel W. English, John Doucette, and Hicham Saab, as required under 37 C.F.R. 1.48 (a)(3),
- (f) A Supplemental Application Data Sheet evidencing the new inventors,
- (g) Petition processing fees as required under 37 CFR 1.48(a)(4) and 37 CFR 1.183,
- (h) A statement of consent for correction of inventorship from the Assignee, Cedar Point Communications, Inc., as required under 37 C.F.R. 1.48 (a)(5), and
- (i) Statement Under 37 CFR 3.73(b).

CONCLUSION

Applicants request that the petition fee in the amount of \$130.00 under 37 CFR 1.17(i) be charged to Deposit Account No. 18-1945 under Order No. CDPC-P01-010, from which the undersigned is authorized to draw. Please charge any other fees and credit any overpayment to Deposit Account No. 18-1945.

Dated: December 5, 2008

Respectfully submitted,

By 
Tushar Parlikar
Registration No.: 61,715
ROPES & GRAY LLP
One International Place
Boston, Massachusetts 02110
(617) 951-7000
(617) 951-7050 (Fax)
Attorneys/Agents For Applicant



Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

PROCESSING FEE Under 37 CFR 1.17(i) TRANSMITTAL (Fees are subject to annual revision) Send completed form to: Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450	Application Number	10/726,000
	Filing Date	December 1, 2003
	First Named Inventor	Jeffrey J. Fitzgerald
	Art Unit	2616
	Examiner Name	C. H. A. Lee
	Attorney Docket Number	CDPC-P01-010

Enclosed is a paper filed under 37 CFR 1.48(a)(4) that requires a processing fee (37 CFR 1.17(i)).
Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned paper and faxed or mailed to the Office using the appropriate Mail Stop, if applicable. For transmittal of petition fees under 37 CFR 1.17(f), (g) or (h), see form PTO/SB/17p.

Payment of Fees (small entity amounts are NOT available for the processing fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 18-1945 :
☐ processing fee under 37 CFR 1.17(i) ☒ any deficiency of fees and credit of any overpayments

☐ Check in the amount of \$ _____ is enclosed.

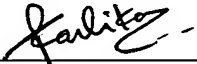
☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Processing Fees under 37 CFR 1.17(i): Fee \$130

**Fee Code 1808 for all,
Except for \$1.221 papers (Fee Code 1803)**

For papers filed under:

- § 1.28(c)(3) – for processing a non-itemized fee deficiency based on an error in small entity status.
- § 1.41 – for supplying the name or names of the inventor or inventors after the filing date without an oath or declaration as prescribed by §1.63, except in provisional applications.
- § 1.48 – for correcting inventorship, except in provisional applications.
- § 1.52(d) – for processing a nonprovisional application filed with a specification in a language other than English.
- § 1.53(b)(3) – to convert a provisional application filed under § 1.53(c) into a nonprovisional application under §1.53(b).
- § 1.55 – for entry of late priority papers.
- § 1.71(g)(2) – to enter an amendment to the specification for purposes of 35 U.S.C. 103(c)(2) if not filed within the cited time periods
- § 1.99(e) – for processing a belated submission under § 1.99.
- § 1.103(b) – for requesting limited suspension of action, continued prosecution application (§ 1.53(d)).
- § 1.103(c) – for requesting limited suspension of action, request for continued examination (§ 1.114).
- § 1.103(d) – for requesting deferred examination of an application.
- § 1.217 – for processing a redacted copy of a paper submitted in the file of an application in which a redacted copy was submitted for the patent application publication.
- § 1.221 – for requesting voluntary publication or republication of an application. **Fee Code 1803**
- § 1.291(c)(5) – for processing a second or subsequent protest by the same real party in interest.
- § 1.497(d) – for filing an oath or declaration pursuant to 35 U.S.C. 371(c)(4) naming an inventive entity different from the inventive entity set forth in the international stage.
- § 3.81 – for a patent to issue to assignee, assignment submitted after payment of the issue fee.

 _____ Signature	December 5, 2008 _____ Date
Tushar Parlikar _____ Typed or printed name	61,715 _____ Registration No., if applicable

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EM273861196US, on the date shown below in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: December 5, 2008

Signature:  (Lise Ann Ruggeri)

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Dated: December 5, 2008

Signature:

(Lisa Ann Rugger)

Docket No.: CDPC-P01-010
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Fitzgerald et al.

Application No.: 10/726,000

Filed: December 1, 2003

For: IN-BAND CONTROL MECHANISM FOR
SWITCHING ARCHITECTURE



Confirmation No.: 5224

Art Unit: 2616

Examiner: C. H. A. Lee

**PETITION UNDER 37 CFR § 1.183 TO WAIVE 37 CFR § 1.48(A)(2) FOR
STATEMENT OF LACK OF DECEPTIVE INTENT BY RAJESH MISHRA**

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

Assignee respectfully submits this Petition Under 37 CFR § 1.183 to Waive 37 C.F.R. § 1.48(a) in order to delete Rajesh Mishra as an inventor even though he has not signed a statement indicating that the error in inventorship occurred without deceptive intent on his part. In view of the inventorship determination made in Application No. 10/726000, it is believed that Mr. Mishra should be deleted as an inventor.

On October 2, 2008, I sent by Federal Express to Mr. Mishra documents for him to sign and a letter requesting that he sign and return the document to be deleted as an inventor (Exhibits A and B). I received confirmation from Federal Express that the letter and documents were received at the Mishra residence (Exhibit C).

On November 3, 2008, and on November 5, 2008, I left messages on the answering machine at the Mishra residence (Phone Number: 978-399-0350).

12/09/2008 LNGUYEN1 00000009 181945 10726000
02 FC:1462 400.00 DA

On November 6, 2008 I followed up with a facsimile of the letter and document to Mr. Mishra's office (Phone Number: 978-399-0350) and received a confirmation of same (Exhibit D). On the same day I forwarded an e-mail to Mr. Mishra's office e-mail account (Exhibit E).

On November 7, 2008, on November 10, 2008, on November 17, 2008, on November 24, 2008, and on December 1, 2008, I left messages on the answering machines at both the Mishra residence and at Mr. Mishra's Office (Phone Number: 978-467-1005).

Since no response was received to either the phone calls, letters or e-mails, I have made one more good faith effort and forwarded on December 2, 2008, via Federal Express another set of documents for him to sign and a letter requesting that he sign and return the documents to be deleted as an inventor (Exhibits F and G).

A copy of the letter and documents were also sent to Mr. Mishra at his office via the United State Post Office Express Mail, along with a facsimile of the letter and document to Mr. Mishra's office (Exhibit H) and received a confirmation of facsimile message (Exhibit I). I also sent an e-mail to Mr. Mishra's office e-mail account (Exhibit J).

The last known contact information for Mr. Mishra is as follows:

Home

Rajesh Mishra
243 Groton Road
Westford, MA 01886
Phone Number: 978-399-0350

Office

Rajesh Mishra, Bramhand Consultancy Services Inc.
P.O.Box 603
Westford, MA 01886
Phone Number: 978-467-1005
Fax Number: 978-418-9196
E-mail Address: info@bramhand.com

No response has been no received from Mr. Mishra, and I thus believe that Mr. Mishra refuses to signs the documents.


Assignee submits that it would be unjust to prevent Assignee from deleting Rajesh Mishra as an inventor merely because Mr. Mishra refuses to sign a document stating that the error in inventorship arose without deceptive intent on his part. Any rights Rajesh Mishra may have had in the subject patent are assigned to Assignee of Record, Cedar Point Communications, Inc. (reel 021917, frame 0988), as agreed to in Mr. Mishra's Employee Noncompetition, Nondisclosure and Developments Agreement (Exhibit K) with the Assignee.

Accordingly, Assignee requests that Rajesh Mishra be deleted as an inventor even though he refuses to sign the statement required by 37 C.F.R. § 1.48(a).

The Commissioner is hereby authorized to charge the fee of \$400.00 pursuant to 37 CFR 1.17(f) to our Deposit Account 18-1945. The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 18-1945, under Order No. CDPC-P01-010. Please direct any questions arising from this submission to the undersigned at (617) 951-7604.

Dated: December 5, 2008

Respectfully submitted,

By 

Tushar Parlikar
Registration No.: 61,715
ROPES & GRAY LLP
One International Place
Boston, Massachusetts 02110
(617) 951-7000
(617) 951-7050 (Fax)
Attorneys/Agents For Applicant



Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FEE
Under 37 CFR 1.17(f), (g) & (h)
TRANSMITTAL

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/726,000
Filing Date	December 1, 2003
First Named Inventor	Jeffrey J. Fitzgerald
Art Unit	2616
Examiner Name	C. H. A. Lee
Attorney Docket Number	CDPC-P01-010

Enclosed is a petition filed under 37 CFR 1.183 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 400.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees).

- ☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 18-1945 :
☒ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments
- ☐ Check in the amount of \$ _____ is enclosed.
- ☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462

For petitions filed under:

- § 1.36(a) – for revocation of a power of attorney by fewer than all applicants
- § 1.53(e) – to accord a filing date.
- § 1.57(a) – to accord a filing date.
- § 1.182 – for decision on a question not specifically provided for.
- § 1.183 – to suspend the rules.
- § 1.378(e) – for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) – to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:

- § 1.12 – for access to an assignment record.
- § 1.14 – for access to an application.
- § 1.47 – for filing by other than all the inventors or a person not the inventor.
- § 1.59 – for expungement of information.
- § 1.103(a) – to suspend action in an application.
- § 1.136(b) – for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 – for review of refusal to publish a statutory invention registration.
- § 1.296 – to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 – for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) – for patent owner requests for extension of time in ex parte reexamination proceedings.
- § 1.956 – for patent owner requests for extension of time in inter partes reexamination proceedings.
- § 5.12 – for expedited handling of a foreign filing license.
- § 5.15 – for changing the scope of a license.
- § 5.25 – for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) – to request documents in a form other than that provided in this part.
- § 1.84 – for accepting color drawings or photographs.
- § 1.91 – for entry of a model or exhibit.
- § 1.102(d) – to make an application special.
- § 1.138(c) – to expressly abandon an application to avoid publication.
- § 1.313 – to withdraw an application from issue.
- § 1.314 – to defer issuance of a patent.

Signature

Tushar Parlikar

Typed or printed name

December 5, 2008

Date

61,715

Registration No., if applicable

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Dated: December 5, 2008

Signature:

(Use Ann Ruggeri)

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Dated: December 5, 2008

Signature:

(Lise Ann Ruggeri)

Docket No.: CDPC-P01-010
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Fitzgerald et al.

Application No.: 10/726,000

Filed: December 1, 2003

For: IN-BAND CONTROL MECHANISM FOR
SWITCHING ARCHITECTURE



Confirmation No.: 5224

Art Unit: 2616

Examiner: C. H. A. Lee

REQUEST TO CORRECT INVENTORSHIP UNDER 37 C.F.R. 1.48(a)
DECLARATION OF ADDED INVENTOR

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Dear Sir:

I, Paul Miller, Jr., residing at 61 Drew Woods Drive, Derry, New Hampshire 03038, hereby state that:

1. I was inadvertently omitted as an inventor in the above-identified application, hereinafter called the "referenced application."
2. The referenced application was filed as an application of Jeffrey J. Fitzgerald, Hicham Saab, Daniel W. English and Rajesh Mishra and presents subject matter relating to in-band control mechanism for switching architecture..
3. The inadvertent omission of my name as an inventor occurred without any deceptive intent on my part.
4. The undersigned declares further that all statements made herein of her own knowledge are true and all statements made on information and beliefs are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are

punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Date: 10/3/2008


Paul Miller, Jr.
61 Drew Woods Drive
Derry, New Hampshire 03038

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EM273861196US, on the date shown below in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: December 5, 2008

Signature: 

(Lise Ann Roggeri)

Docket No.: CDPC-P01-010
(PATENT)

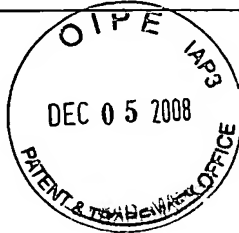
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Fitzgerald et al.

Application No.: 10/726,000

Filed: December 1, 2003

For: IN-BAND CONTROL MECHANISM FOR
SWITCHING ARCHITECTURE



Confirmation No.: 5224

Art Unit: 2616

Examiner: C. H. A. Lee

REQUEST TO CORRECT INVENTORSHIP UNDER 37 C.F.R. 1.48(a)
DECLARATION OF ADDED INVENTOR

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, John Doucette, residing at 7 Burbank Road, Londonderry, New Hampshire 03053, hereby state that:

1. I was inadvertently omitted as an inventor in the above-identified application, hereinafter called the "referenced application."


2. The referenced application was filed as an application of Jeffrey J. Fitzgerald, Hicham Saab, Daniel W. English and Rajesh Mishra and presents subject matter relating to in-band control mechanism for switching architecture..

3. The inadvertent omission of my name as an inventor occurred without any deceptive intent on my part.

4. The undersigned declares further that all statements made herein of her own knowledge are true and all statements made on information and beliefs are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are

punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Date: 10/3/2008



John Doucette
7 Burbank Road
Londonderry, New Hampshire 03053

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EM273861196US, on the date shown below in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: December 5, 2008

Signature: _____

(Lise Ann Ruggen)

Docket No.: CDPC-P01-010
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Fitzgerald et al.

Application No.: 10/726,000

Filed: December 1, 2003

For: IN-BAND CONTROL MECHANISM FOR
SWITCHING ARCHITECTURE



Confirmation No.: 5224

Art Unit: 2616

Examiner: C. H. A. Lee

**REQUEST TO CORRECT INVENTORSHIP UNDER 37 C.F.R. 1.48(a)
DECLARATION OF DELETED INVENTOR**

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

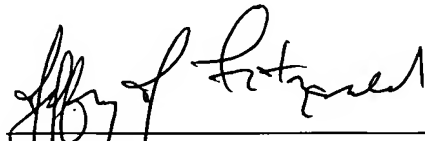
Dear Sir:

I, Jeffrey J. Fitzgerald, residing at 54 Chestnut Street, #3, Charlestown, MA 02129 declare:

1. I was inadvertently named as an inventor on the above-identified patent application, hereinafter called the "referenced application."
2. The referenced application was filed as an application of Jeffrey J. Fitzgerald, Hicham Saab, Daniel W. English and Rajesh Mishra, and presents subject matter relating to in-band control mechanism for switching architecture.
3. The inadvertent addition of my name as an inventor occurred without any deceptive intent.
4. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or

imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 11/18/05



Jeffrey J. Fitzgerald
54 Chestnut Street, Apt. 3
Charlestown, MA 02129

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: December 5, 2008

Signature: (Lise Ann Ruggen)

(Lise Ann Ruggen)

Docket No.: CDPC-P01-010
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Fitzgerald et al.

Application No.: 10/726,000

Confirmation No.: 5224

Filed: December 1, 2003

Art Unit: 2616

For: IN-BAND CONTROL MECHANISM FOR
SWITCHING ARCHITECTURE

Examiner: C. H. A. Lee

**WRITTEN CONSENT OF ASSIGNEE IN CORRECTION OF
INVENTORSHIP UNDER 37 CFR 1.48(A)(5)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

Cedar Point Communications, Inc. is the Assignee of the entire right, title and interest in the above-referenced patent application. The Assignee hereby consents to the addition of Paul Miller, Jr. and John Doucette as inventors in the above-referenced application. The Assignee hereby consents to the deletion of Jeffrey J. Fitzgerald and Rajesh Mishra as inventors in the above-referenced application.

A Statement under 37 CFR 3.73(b) is being filed concurrently with this written consent.

Respectfully submitted,

Cedar Point Communications, Inc.

By: J.C. Murphy

Name: J.C. Murphy

Title: Chief Executive Officer

Date: 12-3-08



PTO/SB/96 (11-08)
Approved for use through 12/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Fitzgerald et al.

Application No./Patent No.: 10/726,000 Filed/Issue Date: December 1, 2003

Entitled: IN-BAND CONTROL MECHANISM FOR SWITCHING ARCHITECTURE

_____, a _____ Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
(The extent (by percentage) of its ownership interest is _____ %)

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

J.C. Murphy Signature

12-3-08 Date

J.C. Murphy
Printed or Typed Name

Telephone Number

Chief Executive Officer
Title

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Dated: December 5, 2008

Signature: [Signature] (Use Ann Ruggeri)



United States Patent and Trademark Office

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Assignments on the Web > Patent Query

Patent Assignment Abstract of Title

**NOTE: Results display only for issued patents and published applications.
For pending or abandoned applications please consult USPTO staff.**

Total Assignments: 3

Patent #: NONE

Issue Dt:

Application #: 10726000

Filing Dt: 12/01/2003

Publication #: 20050021593

Pub Dt: 01/27/2005

Inventors: Jeffrey J. Fitzgerald, Hicham Saab, Daniel W. English, Rajaesh Mishra

Title: IN-BAND CONTROL MECHANISM FOR SWITCHING ARCHITECTURE

Assignment: 1

Reel/Frame: 021917/0974

Recorded: 12/02/2008

Pages: 8

Conveyance: EMPLOYEE NONCOMPETITION, NONDISCLOSURE AND DEVELOPMENTS AGREEMENT

Assignor: FITZGERALD, JEFFREY J.

Exec Dt: 01/11/2002

Assignee: CEDAR POINT COMMUNICATIONS, INC.

16 ROUTE 111

BUILDING 3

DERRY, NEW HAMPSHIRE 03038

Correspondent: TUSHAR PARLIKAR
ROPES & GRAY LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110

Assignment: 2

Reel/Frame: 021917/0988

Recorded: 12/02/2008

Pages: 8

Conveyance: EMPLOYEE NONCOMPETITION, NONDISCLOSURE AND DEVELOPMENTS AGREEMENT

Assignor: MISHRA, RAJESH

Exec Dt: 04/01/2002

Assignee: CEDAR POINT COMMUNICATIONS, INC.

16 ROUTE 111

BUILDING 3

DERRY, NEW HAMPSHIRE 03038

Correspondent: TUSHAR PARLIKAR
ROPES & GRAY LLP
ONE INTERNATIONAL PLACE
BOSTON, MASSACHUSETTS 02110

Assignment: 3

Reel/Frame: 021917/0157

Recorded: 12/02/2008

Pages: 5

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: MILLER, PAUL JR.

Exec Dt: 10/03/2008

ENGLISH, DANIEL W.

Exec Dt: 10/03/2008

DOUCETTE, JOHN

Exec Dt: 10/03/2008

SAAB, HICHAM

Exec Dt: 10/21/2008

Assignee: CEDAR POINT COMMUNICATIONS, INC.

16 ROUTE 111, BUILDING 3

DERRY, NEW HAMPSHIRE 03038

Correspondent: TUSHAR PARLIKAR
ROPES & GRAY LLP

ONE INTERNATIONAL PLACE
BOSTON, MASSACHUSETTS 02110

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350.
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Doc Code: OATH

PTO/SB/01 (05-08)
Approved for use through 06/30/2010. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63) <input type="checkbox"/> Declaration Submitted With Initial Filing OR <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (f)) required)	Attorney Docket Number	CDPC-P01-010
	First Named Inventor	Paul Miller, Jr.
	COMPLETE IF KNOWN	
	Application Number	10/726,000
	Filing Date	December 1, 2003
	Art Unit	2616
	Examiner Name	C. H. A. Lee

I hereby declare that: (1) Each inventor's residence, mailing address, and citizenship are as stated below next to their name; and (2) I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

IN-BAND CONTROL MECHANISM FOR SWITCHING ARCHITECTURE

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) **12/01/2003** as United States Application Number or PCT International Application Number **10/726,000** and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

Authorization To Permit Access To Application by Participating Offices

☐ If checked, the undersigned hereby grants the USPTO authority to provide the European Patent Office (EPO), the Japan Patent Office (JPO), and any other intellectual property offices in which a foreign application claiming priority to the above-identified application is filed access to the above-identified patent application. See 37 CFR 1.14(c) and (h). This box should not be checked if the applicant does not wish the EPO, JPO, or other intellectual property office in which a foreign application claiming priority to the above-identified application is filed to have access to the application.

In accordance with 37 CFR 1.14(h)(3), access will be provided to a copy of the application-as-filed with respect to: 1) the above-identified application, 2) any foreign application to which the above-identified application claims priority under 35 USC 119(a)-(d) if a copy of the foreign application that satisfies the certified copy requirement of 37 CFR 1.55 has been filed in the above-identified US application, and 3) any U.S. application from which benefit is sought in the above-identified application.

In accordance with 37 CFR 1.14(c), access may be provided to information concerning the date of filing the Authorization to Permit Access to Application by Participating Offices.

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DECLARATION — Utility or Design Patent Application

Claim of Foreign Priority Benefits

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

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DECLARATION — Utility or Design Patent Application

Direct all correspondence to: ☒ The address associated with Customer Number: **28120** OR ☐ Correspondence address below

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Address

City

State

ZIP

Country

Telephone

Email

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:

☐ A petition has been filed for this unsigned inventorGiven Name
(first and middle [if any])

Paul

Family Name
or Surname

Miller, Jr.

Inventor's
Signature

Date

11/17/2008

Residence: City

Derry

State

NH

Country

United States of America

Citizenship

US

Mailing
Address:

64 Drew Woods Drive

City

Derry

State

NH

Zip

03038

Country

United States of America

☒Additional inventors or a legal representative are being named on the 1 supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.



DECLARATION	ADDITIONAL INVENTOR(S) Supplemental Sheet	Page <u>1</u> of <u>1</u>
--------------------	---	---------------------------

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Daniel W.		English	
Inventor's Signature <i>Daniel W. English</i>		Date <i>11/17/08</i>	
Residence: City	State	Country	Citizenship
Salem	NH	United States of America	US
Mailing Address: 11 Redwood Road			
City	State	Zip	Country
Salem	NH	03079	United States of America
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
John		Doucette	
Inventor's Signature <i>John A. Doucette</i>		Date <i>11/17/2008</i>	
Residence: City	State	Country	Citizenship
Mailing Address: 7 Burbank Road			
City	State	Zip	Country
Londonderry	NH	03053	United States of America
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Hicham		Saab	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Laval	Quebec	Canada	Canadian
Mailing Address: 921 rue Duprat			
City	State	Zip	Country
Laval	Quebec	H7X 2L6	Canada
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address:			
City	State	Zip	Country



PTO/SB/02A (07-07)
Approved for use through 08/30/2010. OMB 0851-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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DECLARATION	ADDITIONAL INVENTOR(S) Supplemental Sheet
--------------------	---

Page 1 of 1

Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Daniel W.		English	
Inventor's Signature		Date	
Salem		NH	
Residence: City		State	
United States of America		Country	
Citizenship		US	
Mailing Address:		11 Redwood Road	
City		Salem	
State		NH	
Zip		03079	
Country		United States of America	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
John		Doucette	
Inventor's Signature		Date	
Residence: City		State	
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Mailing Address:		7 Burbank Road	
City		Londonderry	
State		NH	
Zip		03053	
Country		United States of America	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Hicham		Saab	
Inventor's Signature		Date	
Laval		Quebec	
Residence: City		State	
Canada		Country	
Citizenship		Canadian	
Mailing Address:		921 rue Duprat	
City		Laval	
State		Quebec	
Zip		H7X 2L6	
Country		Canada	
Name of Additional Joint Inventor, if any:		<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle (if any))		Family Name or Surname	
Inventor's Signature		Date	
Residence: City		State	
Country		Citizenship	
Mailing Address:		City	
State		Zip	
Country		Country	



Supplemental Application Data Sheet

Application Information

Application number:: 10/726,000
Filing Date:: 12/01/03
Application Type:: Regular
Subject Matter:: Utility
Suggested Group Art Unit:: 2616
CD-ROM or CD-R?:: None
Sequence submission?:: None
Computer Readable Form (CRF)?:: No
Title:: IN-BAND CONTROL MECHANISM FOR
SWITCHING ARCHITECTURE

Attorney Docket Number:: CDPC-P01-010
Request for Early Publication?:: No
Request for Non-Publication?:: No
Suggested Drawings Figure:: 2
Total Drawing Sheets:: 7
Small Entity?:: Yes
Petition included?:: Yes
Petition Type:: 37 C.F.R. 1.48(a)
Secrecy Order in Parent Appl.?:: No

Applicant Information

Applicant Authority Type:: Inventor
Primary Citizenship Country:: US
Status:: Full Capacity
Given Name:: Paul
Family Name:: Miller
Name Suffix:: Jr.

City of Residence:: Derry
State or Province of Residence:: NH
Country of Residence:: US
Street of mailing address:: 64 Drew Woods Drive
City of mailing address:: Derry
State or Province of mailing address:: NH
Postal or Zip Code of mailing address:: 03038

Applicant Authority Type:: Inventor
Primary Citizenship Country:: US
Status:: Full Capacity
Given Name:: Daniel
Middle Name:: W.
Family Name:: English
City of Residence:: Salem
State or Province of Residence:: NH
Country of Residence:: US
Street of mailing address:: 11 Redwood Rd.
City of mailing address:: Salem
State or Province of mailing address:: NH
Postal or Zip Code of mailing address:: 03079

Applicant Authority Type:: Inventor
Primary Citizenship Country:: US
Status:: Full Capacity
Given Name:: John
Family Name:: Doucette
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State or Province of Residence:: NH
Country of Residence:: US

Street of mailing address:: 7 Burbank Road
City of mailing address:: Londonderry
State or Province of mailing address:: NH
Postal or Zip Code of mailing address:: 03053

Applicant Authority Type:: Inventor
Primary Citizenship Country:: Canada
Status:: Full Capacity
Given Name:: Hicham
Family Name:: Saab
City of Residence:: Derry
State or Province of Residence:: NH
Country of Residence:: US
Street of mailing address:: 23 Crescent Street
City of mailing address:: Derry
State or Province of mailing address:: NH
Postal or Zip Code of mailing address:: 03038

Applicant Authority Type:: ~~Inventor~~
Primary Citizenship Country:: ~~US~~
Status:: ~~Full Capacity~~
Given Name:: ~~Jeffrey J.~~
Family Name:: ~~Fitzgerald~~
City of Residence:: ~~Amherst~~
State or Province of Residence:: ~~NH~~
Country of Residence:: ~~US~~
Street of mailing address:: ~~3 Tanglewood Way~~
City of mailing address:: ~~Amherst~~
State or Province of mailing address:: ~~NH~~
Postal or Zip Code of mailing address:: ~~03034~~

Applicant Authority Type:: Inventor
Primary Citizenship Country::
Status:: Full Capacity
Given Name:: Rajesh
Family Name:: Mishra
City of Residence:: Westford
State or Province of Residence:: MA
Country of Residence:: US
Street of mailing address:: 243 Groton Road
City of mailing address:: Westford
State or Province of mailing address:: MA
Postal or Zip Code of mailing address:: 01886

Correspondence Information

Correspondence Customer Number:: 28120

Representative Information

Representative Customer Number:: 28120

Domestic Priority Information

Application::	Continuity Type::	Parent Application::	Parent Filing Date::
This Application	An application claiming the benefit under 35 USC 119(e)	60/430,494	12/02/02
This Application	An application claiming the benefit under 35 USC 119(e)	60/430,720	12/03/02

Foreign Priority Information

Assignee Information

Assignee name:: Cedar Point Communications, Inc.
Street of mailing address:: 16 Route 111 - Building 3
City of mailing address:: Derry
State or Province of mailing address:: NH
Postal or Zip Code of mailing address:: 03038



ROPES & GRAY LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110-2624
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Tushar A. Parlikar, Patent Agent
Writer's Direct Dial: (617) 951-7604
Writer's EMail: tushar.parlikar@ropesgray.com

October 2, 2008

VIA FEDERAL EXPRESS

Mr. Rajesh Mishra
243 Groton Road
Westford, MA 01886

Re: Declaration for U.S. Patent Application
Application No. 10/726,000

Dear Mr. Mishra:

Enclosed please find an Declaration under 37 CFR 1.48(a) for the above-identified patent application. On behalf of our client, Cedar Point Communications, we would like to timely file the attached Declaration with the U.S. Patent and Trademark Office. The Declaration states that you were inadvertently included as an inventor on the above-identified patent application.

Please execute the Declaration. Kindly make any corrections to your name and/or address in the margin and initial any such changes.

Please forward the original executed Declaration to my attention at Ropes & Gray via U.S. mail as soon as possible. You may fax a copy of the executed documents to my attention at 617-235-9535. Please feel free to contact us if we can help facilitate this process.

Please contact me if you have any questions.

Sincerely,

Tushar A. Parlikar, Ph.D.

TAP:lar

Encls.

cc: Paul Miller, Jr. (via e-mail pmiller@cedarpoint.com w/o encls.)
Edward J. Kelly, Esq. (w/o encls.)



<i>package id</i>	<i>from</i>	<i>vendor</i>
0032894	Tushar Parlikar (51413)	FedEx
<i>ship date</i>	Ropes & Gray / Mercury	<i>tracking number</i>
Thu, Oct 02	One International Place	790592662978
<i>to</i>	Boston , MA 02110-	<i>service</i>
Mr. Rajesh Mishra	2624 US	FedEx Priority
243 Groton Rd	617-951-7604	<i>packaging</i>
Westford , MA 01886-	<i>billing</i>	FedEx Envelope
1324 US	Cedar Point	<i>signature</i>
617-854-2783	Communications Inc-	No signature required
<i>residential address</i>	10/726000 --	
Yes	FITZGERALD -- An ...-	<i>courtesy quote</i>
<i>return label</i>	Band	9.59
No	(cdpc-p01-010)	<i>The courtesy quote does not</i>
	<i>operator</i>	<i>reflect fuel surcharge and does</i>
<i>notification type</i>	Lise Ann Ruggeri	<i>not necessarily reflect all</i>
Delivery	617-854-2783	<i>accessorial charges.</i>
<i>notification recipients</i>	LiseAnn.Ruggeri@ropesgra	
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Dated: _____ Signature: _____
(Lise Ann Ruggeri)

Docket No.: CDPC-P01-010
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Fitzgerald et al.

Application No.: 10/726,000

Confirmation No.: 5224

Filed: December 1, 2003

Art Unit: 2616

For: IN-BAND CONTROL MECHANISM FOR
SWITCHING ARCHITECTURE

Examiner: C. H. A. Lee

**REQUEST TO CORRECT INVENTORSHIP UNDER 37 C.F.R. 1.48(a)
DECLARATION OF DELETED INVENTOR**

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Rajesh Mishra, residing at 243 Groton Road, Westford, Massachusetts 01886 declare:

1. I was inadvertently named as an inventor on the above-identified patent application, hereinafter called the "referenced application."

2. The referenced application was filed as an application of Jeffrey J. Fitzgerald, Hicham Saab, Daniel W. English and Rajesh Mishra, and presents subject matter relating to in-band control mechanism for switching architecture.

3. The inadvertent addition of my name as an inventor occurred without any deceptive intent.

4. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or

imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: _____

Rajesh Mishra
243 Groton Road
Westford, Massachusetts 01886

Ruggeri, Lise Ann

From: TrackingUpdates@fedex.com
Sent: Friday, October 03, 2008 10:17 AM
To: Ruggeri, Lise Ann
Subject: FedEx Shipment 790592662978 Delivered

This tracking update has been requested by:

Company Name: Ropes & Gray / Mercury
Name: Tushar Parlikar
E-mail: 'not provided by requestor'

Our records indicate that the following shipment has been delivered:

Reference: cdpc.p01-010-51413
Ship (P/U) date: Oct 2, 2008
Delivery date: Oct 3, 2008 10:13 AM
Sign for by: Signature release on file
Delivered to: Residence
Service type: FedEx Priority Overnight
Packaging type: FedEx Envelope
Number of pieces: 1
Weight: 0.50 lb.
Special handling/Services: Residential Delivery
Deliver Weekday

Tracking number: 790592662978

Shipper Information	Recipient Information
Tushar Parlikar	Mr. Rajesh Mishra
Ropes & Gray / Mercury	243 Groton Rd
One International Place	Westford
Boston	MA
MA	US
US	018861324
021102624	

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DATE: November 6, 2008

MESSAGE TO: Rajesh Mishra, President

COMPANY: Bramhand Consultancy Services

FAX NUMBER: 978-418-9196

PHONE:

FROM: Tushar Parlikar, Patent Agent

PHONE: (617) 951-7604

PAGES (Including Cover Sheet): 4

HARD COPY TO FOLLOW: ☐ YES ☐ NO

MESSAGE:

U.S. Patent Application No.: 10/726,000
Title: IN-BAND CONTREOL MECHANISM FOR SWITCHING
ARCHITECTURE
Filing Date: December 1, 2003
Inventor: Fitzgerald et al.
Our Reference: CDPC-P01-010

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DATE: November 6, 2008

MESSAGE TO: Rajesh Mishra, President

COMPANY: Bramhand Consultancy Services

FAX NUMBER: 978-418-9196

PHONE:

FROM: Tushar Parlikar, Patent Agent

PHONE: (617) 951-7604

PAGES (Including Cover Sheet): 4 **HARD COPY TO FOLLOW:** ☐ YES ☐ NO

MESSAGE:

U.S. Patent Application No.: 10/726,000
Title: IN-BAND CONTREOL MECHANISM FOR SWITCHING
ARCHITECTURE
Filing Date: December 1, 2003
Inventor: Fitzgerald et al.
Our Reference: CDPC-P01-010

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Telephone: (617) 951-7000 **Facsimile:** (617) 951-7050



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Writer's EMail: tushar.parlikar@ropesgray.com

October 2, 2008

VIA FEDERAL EXPRESS

Mr. Rajesh Mishra
243 Groton Road
Westford, MA 01886

Re: Declaration for U.S. Patent Application
Application No. 10/726,000

Dear Mr. Mishra:

Enclosed please find an Declaration under 37 CFR 1.48(a) for the above-identified patent application. On behalf of our client, Cedar Point Communications, we would like to timely file the attached Declaration with the U.S. Patent and Trademark Office. The Declaration states that you were inadvertently included as an inventor on the above-identified patent application.

Please execute the Declaration. Kindly make any corrections to your name and/or address in the margin and initial any such changes.

Please forward the original executed Declaration to my attention at Ropes & Gray via U.S. mail as soon as possible. You may fax a copy of the executed documents to my attention at 617-235-9535. Please feel free to contact us if we can help facilitate this process.

Please contact me if you have any questions.

Sincerely,

Tushar A. Parlikar, Ph.D.

TAP:lar

Encls.

cc: Paul Miller, Jr. (via e-mail pmiller@cedarpoint.com w/o encls.)
Edward J. Kelly, Esq. (w/o encls.)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: _____ Signature: _____
(Lise Ann Ruggeri)

Docket No.: CDPC-P01-010
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Fitzgerald et al.

Application No.: 10/726,000

Confirmation No.: 5224

Filed: December 1, 2003

Art Unit: 2616

For: IN-BAND CONTROL MECHANISM FOR
SWITCHING ARCHITECTURE

Examiner: C. H. A. Lee

**REQUEST TO CORRECT INVENTORSHIP UNDER 37 C.F.R. 1.48(a)
DECLARATION OF DELETED INVENTOR**

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Rajesh Mishra, residing at 243 Groton Road, Westford, Massachusetts 01886 declare:

1. I was inadvertently named as an inventor on the above-identified patent application, hereinafter called the "referenced application."

2. The referenced application was filed as an application of Jeffrey J. Fitzgerald, Hicham Saab, Daniel W. English and Rajesh Mishra, and presents subject matter relating to in-band control mechanism for switching architecture.

3. The inadvertent addition of my name as an inventor occurred without any deceptive intent.

4. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or

Application No.: 10/726,000

Docket No.: CDPC-P01-010

imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: _____

Rajesh Mishra
243 Groton Road
Westford, Massachusetts 01886

Ruggeri, Lise Ann

From: Parlikar, Tushar
Sent: Thursday, November 06, 2008 1:43 PM
To: 'info@bramhand.com'
Cc: Ruggeri, Lise Ann; Kelly, Edward J.
Subject: Application for In-Band Control Mechanism for Switching Architecture 10/726,000 (for Cedar Point Communications CDPC-P01-010)

Attachments: 10726000_as_filed.pdf; Active_11313195_1_CDPC-P01-010 - Statement by Rajesh Mishra as deleted inventor.pdf



10726000_as_filed.
pdf (1 MB)

Dear Rajesh,

We believe that you were inadvertently included as an inventor on the above-identified patent application (attached). As far as we know, the correct inventors should be Daniel English, Hichaam Saab, John Doucette, and Paul Miller. However, the application was filed instead with the names Daniel English, Hichaam Saab, Jeffrey Fitzgerald, and Rajesh Mishra.

We mailed you the attached Affidavit/Declaration under 37 CFR 1.48(a) for the above-identified patent application to your address at Groton Street in Westford, Massachusetts. The attached Affidavit/Declaration states that you were inadvertently included as an inventor on the above-identified patent application. We would like you to execute the attached Affidavit/Declaration.

We have received confirmation of inventorship from Jeff Fitzgerald and he is going to send us a similar declaration in the next few days.

Please forward the original executed, i.e., signed and dated, Affidavit/Declaration to my attention at Ropes & Gray via U.S. mail as soon as possible. If possible, you should also fax a copy of the executed documents to my attention at 617-235-9535, or e-mail a copy of the signed declaration to me.

Please feel free to contact us if we can help facilitate this process, or if you have any questions.

Best Regards,
Tushar



Active_11313195_1
_CDPC-P01-010...

Tushar A. Parlikar, Ph.D.

Patent Agent

ROPES & GRAY LLP

T 617-951-7604 | M 617-851-3684 | F 617-235-9535

One International Place

Boston, MA 02110-2624

tushar.parlikar@ropesgray.com

<http://www.ropesgray.com/>



ROPES & GRAY LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110-2624
WWW.ROPESGRAY.COM

Tushar A. Parlikar, Patent Agent
Writer's Direct Dial: (617) 951-7604
Writer's EMail: tushar.parlikar@ropesgray.com

December 2, 2008

VIA FEDERAL EXPRESS:

Mr. Rajesh Mishra
243 Groton Road
Westford, MA 01886

SECOND REQUEST

VIA EXPRESS MAIL AIRBILL NO.: EM27386122US
FACSIMILE NO. 978-418-9196 and
EMAIL: info@bramhand.com

Mr. Rajesh Mishra
President
Bramhand Consultancy Services Inc.
Post Office Box 603
Westford, MA 01886

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Application No. 10/726,000

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ROPES & GRAY LLP
Mr. Rajesh Mishra
December 2, 2008
Page 2

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TAP:lar
Encls.

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Yes	(cdpc-p01-010)	<i>courtesy quote</i>
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(PATENT)

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Confirmation No.: 5224

Filed: December 1, 2003

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SWITCHING ARCHITECTURE

Examiner: C. H. A. Lee

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Commissioner for Patents
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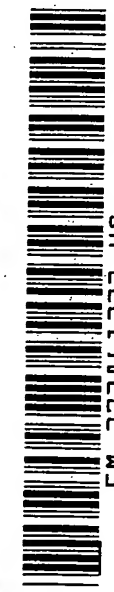
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Date: _____

Rajesh Mishra
243 Groton Road
Westford, Massachusetts 01886



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ROPES & GRAY LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110-2624
WWW.ROPESGRAY.COM

Tushar A. Parlikar, Patent Agent
Writer's Direct Dial: (617) 951-7604
Writer's EMail: tushar.parlikar@ropesgray.com

December 2, 2008

VIA FEDERAL EXPRESS:

Mr. Rajesh Mishra
243 Groton Road
Westford, MA 01886

SECOND REQUEST

VIA EXPRESS MAIL AIRBILL NO.: EM27386122US
FACSIMILE NO. 978-418-9196 and
EMAIL: info@bramhand.com

Mr. Rajesh Mishra
President
Bramhand Consultancy Services Inc.
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ROPES & GRAY LLP
Mr. Rajesh Mishra
December 2, 2008
Page 2

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TAP:lar
Encls.

cc: Paul Miller, Jr. (via e-mail pmiller@cedarpoint.com w/o encls.)
Edward J. Kelly, Esq. (w/o encls.)

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Docket No.: CDPC-P01-010
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Fitzgerald et al.

Application No.: 10/726,000

Confirmation No.: 5224

Filed: December 1, 2003

Art Unit: 2616

For: IN-BAND CONTROL MECHANISM FOR
SWITCHING ARCHITECTURE

Examiner: C. H. A. Lee

**REQUEST TO CORRECT INVENTORSHIP UNDER 37 C.F.R. 1.48(a)
DECLARATION OF DELETED INVENTOR**

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Date: _____

Rajesh Mishra
243 Groton Road
Westford, Massachusetts 01886

FAX TRANSMISSION

DATE: December 2, 2008

MESSAGE TO: Rajesh Mishra, President

COMPANY: Bramhand Consultancy Services

FAX NUMBER: 978-418-9196

PHONE:

FROM: Tushar Parlikar, Patent Agent

PHONE: (617) 951-7604

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5

HARD COPY TO FOLLOW:

☐

YES

☒

NO

MESSAGE:

Declaration for U.S. Patent Application
Application No. 10/726,000
Title: IN-BAND CONTROL MECHANISM FOR SWITCHING
ARCHITECTURE
Filing Date: December 1, 2003
Inventor: Fitzgerald et al.
Our Reference: CDPC-P01-010

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ROPES & GRAY LLP

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Telephone: (617) 951-7000 Facsimile: (617) 951-7050



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ONE INTERNATIONAL PLACE
BOSTON, MA 02110-2624
WWW.ROPESGRAY.COM

Tushar A. Parlikar, Patent Agent
Writer's Direct Dial: (617) 951-7604
Writer's EMail: tushar.parlikar@ropesgray.com

December 2, 2008

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243 Groton Road
Westford, MA 01886

SECOND REQUEST

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FACSIMILE NO. 978-418-9196 and
EMAIL: info@bramhand.com

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ROPES & GRAY LLP
Mr. Rajesh Mishra
December 2, 2008
Page 2

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Tushar A. Parlikar, Ph.D.
TAP:lar
Encls.

cc: Paul Miller, Jr. (via e-mail pmiller@cedarpoint.com w/o encls.)
Edward J. Kelly, Esq. (w/o encls.)

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(Lise Ann Ruggeri)

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(PATENT)

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In re Patent Application of:
Fitzgerald et al.

Application No.: 10/726,000

Confirmation No.: 5224

Filed: December 1, 2003

Art Unit: 2616

For: IN-BAND CONTROL MECHANISM FOR
SWITCHING ARCHITECTURE

Examiner: C. H. A. Lee

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DECLARATION OF DELETED INVENTOR**

MS Petition
Commissioner for Patents
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Date: _____

Rajesh Mishra
243 Groton Road
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MESSAGE TO: Rajesh Mishra, President

COMPANY: Bramhand Consultancy Services

FAX NUMBER: 978-418-9196

PHONE:

FROM: Tushar Parlikar, Patent Agent

PHONE: (617) 951-7604

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HARD COPY TO FOLLOW: ☐ YES ☒ NO

MESSAGE:

Declaration for U.S. Patent Application
Application No. 10/726,000
Title: IN-BAND CONTROL MECHANISM FOR SWITCHING
ARCHITECTURE
Filing Date: December 1, 2003
Inventor: Fitzgerald et al.
Our Reference: CDPC-P01-010

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Ruggeri, Lise Ann

From: Ruggeri, Lise Ann
Sent: Tuesday, December 02, 2008 4:36 PM
To: 'info@bramhand.com'
Cc: Parlikar, Tushar; Kelly, Edward J.
Subject: Application for In-Band Control Mechanism for Switching Architecture; Application No. 10/726,000 (for Cedar Point Communications); Our Ref. : CDPC-P01-010

Attachments: Active_11313195_1_CDPC-P01-010 - Statement by Rajesh Mishra as deleted inventor.DOC;
Active_11433521_1_CDPC-P01-010 - Seond Letter to inventor Rajesh Mishra re_
Affidavit.PDF

Dear Rajesh:

Please see the attached letter and documents regarding the above-captioned patent application. We would appreciate a timely reply.

Kind regards,



Active_11313195_1 Active_11433521_1
_CDPC-P01-010... _CDPC-P01-010...



ROPES & GRAY LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110-2624
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Tushar A. Parlikar, Patent Agent
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From: Ruggeri, Lise Ann
Sent: Tuesday, December 02, 2008 4:36 PM
To: 'info@bramhand.com'
Cc: Parlikar, Tushar; Kelly, Edward J.
Subject: Application for In-Band Control Mechanism for Switching Architecture; Application No. 10/726,000 (for Cedar Point Communications); Our Ref. : CDPC-P01-010

Attachments: Active_11313195_1_CDPC-P01-010 - Statement by Rajesh Mishra as deleted inventor.DOC;
Active_11433521_1_CDPC-P01-010 - Seond Letter to inventor Rajesh Mishra re_
Affidavit.PDF

Dear Rajesh:

Please see the attached letter and documents regarding the above-captioned patent application. We would appreciate a timely reply.

Kind regards,



Active_11313195_1 Active_11433521_1
_CDPC-P01-010... _CDPC-P01-010...



ROPES & GRAY LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110-2624
WWW.ROPESGRAY.COM

Tushar A. Parlikar, Patent Agent
Writer's Direct Dial: (617) 951-7604
Writer's EMail: tushar.parlikar@ropesgray.com

December 2, 2008

VIA FEDERAL EXPRESS:

Mr. Rajesh Mishra
243 Groton Road
Westford, MA 01886

SECOND REQUEST

VIA EXPRESS MAIL AIRBILL NO.: EM27386122US
FACSIMILE NO. 978-418-9196 and
EMAIL: info@bramhand.com

Mr. Rajesh Mishra
President
Bramhand Consultancy Services Inc.
Post Office Box 603
Westford, MA 01886

Re: Declaration for U.S. Patent Application
Application No. 10/726,000

Dear Mr. Mishra:

Enclosed please find an Declaration under 37 CFR 1.48(a) for the above-identified patent application. On behalf of our client, Cedar Point Communications, we would like to timely file the attached Declaration with the U.S. Patent and Trademark Office. The Declaration states that you were inadvertently included as an inventor on the above-identified patent application.


Please execute the Declaration. Kindly make any corrections to your name and/or address in the margin and initial any such changes.

Please forward the original executed Declaration to my attention at Ropes & Gray via U.S. mail as soon as possible. You may fax a copy of the executed documents to my attention at 617-235-9535. Please feel free to contact us if we can help facilitate this process.

ROPES & GRAY LLP
Mr. Rajesh Mishra
December 2, 2008
Page 2

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Tushar A. Parlikar", with a stylized flourish at the end.

Tushar A. Parlikar, Ph.D.
TAP:lar
Encls.

cc: Paul Miller, Jr. (via e-mail pmiller@cedarpoint.com w/o encls.)
Edward J. Kelly, Esq. (w/o encls.)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: _____ Signature: _____
(Lise Ann Ruggeri)

Docket No.: CDPC-P01-010
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Fitzgerald et al.

Application No.: 10/726,000

Confirmation No.: 5224

Filed: December 1, 2003

Art Unit: 2616

For: IN-BAND CONTROL MECHANISM FOR
SWITCHING ARCHITECTURE

Examiner: C. H. A. Lee

**REQUEST TO CORRECT INVENTORSHIP UNDER 37 C.F.R. 1.48(a)
DECLARATION OF DELETED INVENTOR**

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Rajesh Mishra, residing at 243 Groton Road, Westford, Massachusetts 01886 declare:

1. I was inadvertently named as an inventor on the above-identified patent application, hereinafter called the "referenced application."
2. The referenced application was filed as an application of Jeffrey J. Fitzgerald, Hicham Saab, Daniel W. English and Rajesh Mishra, and presents subject matter relating to in-band control mechanism for switching architecture.
3. The inadvertent addition of my name as an inventor occurred without any deceptive intent.
4. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or

imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: _____

Rajesh Mishra
243 Groton Road
Westford, Massachusetts 01886

EMPLOYEE NONCOMPETITION, NONDISCLOSURE AND DEVELOPMENTS AGREEMENT

In consideration and as a condition of my employment and continued employment by Cedar Point Communications, Inc. (the "Company"), and all the benefits associated therewith, I hereby agree with the Company as follows:

1. Non-Competition. During the period of my employment with the Company (the "Employment Period") and for a period of one (1) year after the termination of my employment, regardless of the reason for my termination, I shall not, directly or indirectly, alone or as a joint venturer, partner, officer, director, employee, consultant, agent or stockholder of any entity, accept employment with any business, or engage in any business activity, that is in competition with the products and/or services being planned, designed, conceived, developed, manufactured, marketed and/or sold by the Company in any state or county in which the Company conducts business.

2. Non-Solicitation. During the Employment Period and for one year after the termination of my employment, regardless of the reason for my termination, I shall not (i) hire, engage or retain any employee of the Company, and/or (ii) solicit or recruit any employee to become employed by or perform services for any person or entity other than the Company, or in any manner induce, encourage or entice any employee, independent contractor or consultant to leave his or her relationship with the Company.

3. Non-Disclosure. I will not at any time, whether during or after the Employment Period, reveal to any person or entity any of the trade secrets or confidential information of the Company or of any third party which the Company is under an obligation to keep confidential (such trade secrets or confidential information including but not limited to trade secrets or confidential information respecting inventions, products, designs, methods, know-how, techniques, systems, processes, software programs, works of authorship, customer lists, projects, plans and proposals and organizational, business and financial information), except to employees of the Company who need to know such information for the purposes of their employment, or as otherwise authorized by the Company in writing, and I shall keep secret all matters entrusted to me and shall not use or attempt to use any such information in any matter which may injure or cause loss or may be calculated to injure or cause loss, whether directly or indirectly, to the Company. Further, I agree that during and after the Employment Period I shall not make, use or permit to be used any notes, memoranda, reports, lists, records, drawings, sketches, specifications, software programs, data, documentation or other materials of any nature relating to any matter within the scope of the business of Company or concerning any of its dealings or affairs otherwise than for the benefit of the Company, it being agreed that all of the foregoing shall be and remain the sole and exclusive property of the Company, and that immediately upon the termination of my employment I shall deliver all of the foregoing, and all copies thereof, to the Company.

4. Assignment of Developments.

- (a) If at any time or times during my employment, I shall (either alone or with others) make, conceive, create, discover, invent or reduce to practice any invention, modification, discovery, design, development, improvement, process, software program, work of authorship, documentation, formula, data, technique, know-how, trade secret or intellectual property right whatsoever or any interest therein (whether or not patentable or registrable under copyright, trademark or similar statutes (including but not limited to the Semiconductor Chip Protection Act) or subject to analogous protection) (herein called "Developments") that (i) relates to the business of the Company or any customer of or supplier to the Company or any of the products or services being planned, designed, conceived, developed, manufactured, marketed or sold by the Company or which may be used in relation therewith, (ii) results from tasks assigned me by the Company or (iii) results from the use of premises or personal property (whether tangible or intangible) owned, leased or contracted for by the Company, then:
- (A) such Developments and the benefits thereof are and shall immediately become the sole and absolute property of the Company and its assigns, as works made for hire or otherwise;
- (B) I shall promptly disclose to the Company (or any persons designated by it) each such Development;
- (C) as may be necessary to ensure the Company's ownership of such Developments, I hereby assign any rights (including, but not limited to, any inventions, patentable subject matter, copyrights and trademarks) I have or may acquire in the Developments and benefits and/or rights resulting therefrom to the Company and its assigns without further compensation; and
- (D) I shall communicate, without cost or delay, and without disclosing to others the same, all available information relating thereto (with all necessary plans and models) to the Company.
- (E) For purposes of this subsection, "Moral Rights" means any rights of paternity or integrity, any right to claim authorship of the Developments, to object to any distortion, mutilation or other modification of, or other derogatory action in relation to, the Developments, whether or not such would be prejudicial to my honor or reputation, and any similar right, existing under judicial or statutory law of any country in the world, or under any treaty, regardless whether or not such right is denominated or generally referred to as a "moral right." I hereby irrevocably transfer and

assign to the Company any and all Moral Rights that I may have in the Developments. I also hereby forever waive and agree never to assert any and all Moral Rights I may have in the Developments.

- (b) I shall, during and after the Employment Period, at the request and cost of the Company, promptly sign, execute, make and do all such deeds, documents, acts and things as the Company and its duly authorized agents may reasonably require:
 - (i) to apply for, obtain, register and vest in the name of the Company alone (unless the Company otherwise directs) patent, copyrights, trademarks or other analogous protection in any country throughout the world relating to any Development and when so obtained or vested to renew and restore the same; and
 - (ii) to defend any judicial, opposition or other proceedings in respect of such applications and any judicial, opposition or other proceedings or petitions or applications for revocation of such patent, copyright, trademark or other analogous protection.
 - (iii) In the event the Company is unable, after reasonable effort, to secure my signature on any application for patent, copyright, trademark or other analogous registration or other documents regarding any legal protection relating to a Development, whether because of my physical or mental incapacity or for any other reason whatsoever, I hereby irrevocably designate and appoint the Company and its duly authorized officers and agents as my agent and attorney-in-fact, to act for and in my behalf and stead to execute and file any such application or applications or other documents and to do all other lawfully permitted acts to further the prosecution and issuance of letters patent, copyright or trademark registrations or any other legal protection thereon with the same legal force and effect as if executed by me.

5. Remedies. I agree that any breach of this Agreement by me will cause irreparable damage to the Company and that in the event of such breach the Company shall have, in addition to any and all remedies of law, the right to an injunction, specific performance or other equitable relief to prevent the violation of my obligations hereunder.

6. Representations. I consent to the use of my name, picture, signature, voice, image, and/or likeness by the Company during the Employment Period and at any time thereafter and release the Company and its officers, employees, and agents from and against any and all claims which I have or may have in the future arising out of the Company's use, adaptation, reproduction, modification, distribution, exhibition, or other commercial exploitation of my name, picture, signature, voice, image and/or

likeness, including but not limited to right of privacy, right of publicity and celebrity, use of voice, name or likeness, defamation, and copyright infringement. I further represent and warrant that I have not heretofore made any contract or commitment in conflict with this consent and release.

7. No Continued Employment. I understand that this Agreement does not create an obligation on the Company or any other person or entity to continue my employment.

8. No Defense. No claim of mine against the Company shall serve as a defense against the Company's enforcement of any provision of this Agreement.

9. Excluded Developments. I represent that the Developments identified in the pages, if any, attached hereto as Exhibit A comprise all the unpatented and unregistered copyrightable Developments which I have made, conceived or created prior to the Employment Period, which Developments are excluded from this Agreement because I cannot assign such Developments to the Company due to a prior agreement. I understand that it is only necessary to list the title and purpose of such Developments but not details hereof.

10. No Agreement. I hereby represent that, except as I have disclosed in writing to the Company, I am not a party to, or bound by the terms of, any agreement with or obligation to any previous employer or other party to refrain from using or disclosing any trade secret or confidential or proprietary information in the course of my employment with the Company or to refrain from competing, directly or indirectly, with the business of such previous employer or any other party. I further represent that my performance of all the terms of this Agreement and as an employee of the Company does not and will not breach any agreement or obligation to keep in confidence proprietary information, knowledge or data acquired by me in confidence or in trust prior to or during my employment with the Company, and I will not disclose to the Company or induce the Company to use any confidential or proprietary information or material belonging to any previous employer or others. I have not entered into, and I agree I will not enter into, any agreement, either written or oral, in conflict with the terms of this Agreement.

11. No Waiver. Any waiver by the Company of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach of such provision or any other provision hereof.

12. Severability. I hereby agree that each provision herein shall be treated as a separate and independent clause, and the unenforceability of any one clause shall in no way impair the enforceability of any of the other clauses herein. Moreover, if one or more of the provisions contained in this Agreement shall for any reason be held to be excessively broad as to scope, activity, subject or otherwise so as to be unenforceable at law, such provision or provisions shall be construed by the appropriate judicial body by limiting or reducing it or them, so as to be enforceable to the maximum extent

compatible with the applicable law as it shall then appear. I hereby further agree that the language of all parts of this Agreement shall in all cases be construed as a whole according to its fair meaning and not strictly for or against either of the parties.

13. Effective Date and Survival. This Agreement shall be effective as of the date hereof. My obligations under this Agreement shall survive the termination of my employment regardless of the manner of such termination and shall be binding upon my heirs, executors, administrators and legal representatives.

14. Assignment. For purposes of this Agreement, the term "Company" shall include Cedar Point Communications, Inc. and any of its subsidiaries, divisions, subdivisions or affiliates. The Company shall have the right to assign this Agreement to its successors and assigns, and all covenants and agreements hereunder shall inure to the benefit of and be enforceable by said successors or assigns.

15. Amendment or Modification. Any amendment to or modification of this Agreement, or any waiver of any provision hereof, shall be in writing and signed by the Company.

16. Governing Law. This Agreement shall be governed by and construed in accordance with the internal laws of the State of New Hampshire and shall in all respects be interpreted, enforced and governed under the internal and domestic laws of such state, without giving effect to the principles of conflicts of laws of such state. Any claims or legal actions by one party against the other arising out of the relationship between the parties contemplated herein (whether or not arising under this Agreement) shall be governed by the laws of the State of New Hampshire and shall be commenced and maintained in any state or federal court located in New Hampshire, and both parties hereby submit to the jurisdiction and venue of any such court.

IN WITNESS WHEREOF, the undersigned has executed this Agreement as a sealed instrument as of the 1 day of APRIL, 2002.

Rajesh Mishra
Signature

RAJESH MISHRA
Name – Please Print

243 GROTON ROAD
Address

WESTFORD, MA, 01886
City, State ZIP

Cedar Point Communications, Inc.


Signature


Name — Please Print

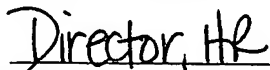

Title

EXHIBIT APrior Developments